

Brazil – United States Bilateral Meeting, April 8 – April 10, 2000

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1. Overview of APHIS Rulemaking and WTO notification Process:

APHIS provided a presentation of our WTO notification procedures pertaining to SPS regulations. APHIS provides WTO notifications for all SPS regulatory changes including administrative changes and regulatory actions that result from bilateral agreements.

DDIV does not presently provide WTO notification if the regulation is the result of a bilateral agreement or an international standard, but they will provide notification for future bilateral issues.

DDIV provides information pertaining to their bilateral agreements on their web page.

2. Recognition of APHIS and DDIV regulated pest lists:

APHIS and DDIV provided an overview of their regulated pest lists. Future enhancements and revisions of the regulated pest lists were discussed.

APHIS submitted their regulated pest list to DDIV. APHIS informed DDIV that updating the U.S. regulatory pest list to identify A-1 and A-2 quarantine pests is a high priority. A-2 pests will be designated according to the IPPC definition.

DDIV will submit their regulated pest list to APHIS when their revisions are completed

Both DDIV and APHIS have their regulated pest lists available on their web pages.

3. Review of Brazil rulemaking and pest risk assessment procedures:

DDIV presented an overview of their regulations that establish Brazil's import requirements. Normative no. 34, March 28, 2002 was reviewed, and the following clarifications were provided:

- A 60-day comment period has been provided for this regulation.
- The general requirements of 27 commodities will be withdrawn 180 days following the close of the 60-day comment period.
- Pest Risk Assessments (PRAs) which will establish import requirements for commodities that currently lack requirements based on bilateral agreements must be completed within 240 days from the date that normative no. 34 was published, March 27, 2002.
- Traditionally traded commodities can continue to enter Brazil during the 180-day period until the PRA is completed. The PRA must be completed by the end of the 180-day period.
- Requests to complete PRAs should be submitted to DDIV before the 60-day comment period closes.
- Requirements for conducting PRAs are provided in normative no. 34.
- PRAs can be conducted by DDIV, a collaborating center in Brazil or in the U.S. and submitted to DDIV by APHIS.
- DDIV has approved collaborating centers to complete all of the information requirements for PRA processes for DDIV. The collaborating centers are located at public and private institutions in Brazil, and they will charge a fee for this service. The names and contact

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information of the collaborating centers within Brazil at public and private institutions are available on the DDIV web page.

- All data packages that support PRAs must be submitted to DDIV by APHIS.

4. Normative no. 4, January 10, 2001:

APHIS informed DDIV that they would request a number of modifications to normative no. 4, January 10, 2001.

DDIV informed APHIS that they would open a process to evaluate the technical justifications that are submitted by APHIS to support their requests for modification of normative no. 4, January 10, 2001.

5. U.S. pear import requirements:

APHIS agreed to provide the technical justification to support their request for the modification of normative no. 4, January 10, 2001 for the entry of U.S. pears into Brazil. DDIV requested that APHIS submit technical justification for the requested modifications.

The modifications requested are:

- Revise the treatment schedule to use a sodium ortho phenylphosphate, 3,400 – 4,900 ppm, dip for 2-4 minutes to eradicate fire blight.
- Between 1996 and 2001, the AD for shipment freedom from *Erwinia amylovora* was based on visual inspection. Because visual inspection was very effective, APHIS requested that this option be restored.

6. U.S. Seed import requirements:

Seed lab accreditation & germ plasma quarantine facilities:

- DDIV and APHIS provided an overview of their respective seed lab accreditation systems.
- APHIS will submit a letter verifying that Iowa State University is accredited to perform seed laboratory testing.
- APHIS clarified that the Iowa State University laboratory meets the requirements for approval by APHIS, but accreditation of this laboratory does not extend to the Pioneer seed post entry quarantine facility that is located in Brazil.
- APHIS will submit reference “B”, which describes the APHIS accreditation standards for seed laboratories to DDIV, for their review.

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7. Multiple commodities – *Striga spp.*:

- APHIS agreed to provide the technical justification to support their request for the modification of normative no. 4, January 10, 2001 pertaining to the *Striga spp.* additional declarations for the entry of U.S. commodities into Brazil.
- APHIS requested that DDIV consider removing *Striga gesneriodes* from the AD. APHIS provided a presentation that described the limited distribution of this species, which does not occur in any crop production areas in the United States.
- APHIS requested that DDIV consider accepting either DA 7 or DA 15 rather than requiring both additional declarations. APHIS will provide information pertaining to the effectiveness of the laboratory testing alone.

8. Corn seed – APHIS requested modification of the import requirements pertaining to *Ditylenchus dipsaci*, *Cercospora sorghi*, *Cercospora zea maydis*, *Mycosphaerella zeamaideis*, and *Erwinia Stewartii*. APHIS will submit technical justification to DDIV that these pests are not seedborne or seed transmitted

9. Sorghum seed – APHIS requested modification of the import requirements pertaining to *Ditylenchus dipsaci* and *Perconia circinata*. APHIS will submit technical justification to DDIV that *Perconia circinata* is not seed transmitted, and *Ditylenchus dipsaci* is not a quarantine pest of sorghum.

10. Alfalfa seed – APHIS requested modification of the import requirement pertaining to *Corynebacterium insidiosum* syn. *Clavibacter michiganensis sp. insidiosus* to include DA 7 or DA 5 or DA 15. APHIS will submit technical justification to DDIV for their consideration that the laboratory analysis test will effectively mitigate the risk associated with *Clavibacter michiganensis sp. insidiosus*.

11. Grass seed – APHIS will submit a request and technical justification for the modification of the import requirements in normative no. 4, January 4, 2002, normative no. 7, January 10, 2002, and normative no. 14, January 23, 2002 the import requirements for the following varieties of grass seed, *Festuca arundinacea*, *Poa trivialis*, and *Cynodon dactylon*.

12. Brazil melon and watermelon import requirements:

Per their official letter no. 77/2002, April 3, 2002, DDIV requested that APHIS approve entry of melons and watermelons imported from an expanded *Anastrepha grandis* free area.

DDIV will submit 12 months of trapping data from the expanded *Anastrepha grandis* free area to APHIS. APHIS will evaluate the data and consider modification of the Brazil melon and watermelon import requirements to include the expanded area.

13. Alternatives to methyl bromide including irradiation:

APHIS provided an overview of the status of the research on methyl bromide alternatives, the rule for the exemption for quarantine uses of methyl bromide, and the U.S. rulemaking process for the use of methyl bromide to meet import requirements and for quarantine treatments.

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DDIV and APHIS discussed the possibility of cooperative research projects to evaluate the effectiveness of irradiation treatments on pest/host combinations that are of interest to our countries.

14. Expanded access for U. S. Wheat to the Brazil market:

APHIS will submit a technical justification to DDIV to support our request for entry of U.S. durum wheat into the Brazilian market. DDIV indicated that there may be pests of concern to Brazil associated with U.S. durum wheat that are not included in the current systems approach. DDIV informed APHIS that *Cephalosporium gramineum* could be removed from DDIV's regulated pest list, and DDIV asked for more information related to the scientific data mentioned in the meeting that wheat varieties, which are produced in areas where the soil doesn't freeze in the winter, are not susceptible.

Pertaining to the system approach, DA-14, for *Urocystis agropyri* and *Cephalosporium gramineum*, DDIV asked to receive a proposal from APHIS of a modified protocol that will include a systems approach for durum wheat. The technical justification provided by APHIS will also include information pertaining host/pest status of durum wheat and *Urocystis agropyri* and *Tilletia indica* in the United States. DDIV will consider the technical justification that may provide a basis for modification of the systems approach pertaining to the entry of U.S. durum wheat into Brazil.

15. U. S. Seed Potatoes import requirements:

DDIV submitted a copy of the final pest risk assessment for *Spongospora subterranea* to APHIS.

- DDIV clarified that normative no. 18 only pertains to commercial shipments of seed potatoes, and the import requirements in this normative are specific to regulated nonquarantine pests.

DDIV and APHIS reviewed the draft *Spongospora subterranea* protocol that APHIS submitted to DDIV on March 5, 2002.

- DDIV clarified that *Spongospora subterranea* is a regulated nonquarantine pest for Brazil; however, it is a vector for mop top virus, which is a quarantine pest for Brazil.
- The objective of the protocol is to mitigate the risk of spread of *Spongospora subterranea* into Brazil on seed potatoes from the U.S. and to minimize its economic impact.

A. Certification Procedures at origin:

APHIS will supervise the inspection procedures for each certification seed lot number. The seed lot number will include the name of the producer.

B. Harvest inspection: APHIS will submit a statistical model to DDIV to provide technical justification for sample sizes that are smaller than the 10% of field samples that are required in normative no. 18. The model will demonstrate that the sample is representative of the lot.

DDIV stated that the harvest inspection must include a visual inspection of the stollens for the presence of galls, which are characteristic of *Spongospora subterranea*.

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C. Verification procedures at destination:

These procedures will include inspection and laboratory testing. DDIV informed APHIS that the laboratory testing of the 300-tuber sample would be performed by PCR. The inspection and laboratory testing will be completed within 15 days. However, the shipment will only be released when the laboratory testing for quarantine pest diagnosis is complete. If the testing is not complete, and the pest of concern is not a quarantine pest, the shipment will be released. If the pest is a quarantine pest, the shipment will not be released. The quarantine pest diagnostic testing will be based on the pest species stated in the PRA findings.

The inspection schedule outlined in normative no. 18 will be added to the protocol.

APHIS requested that DDIV submit a protocol for their PCR methodology.

Incidence of *Spongospora subterranea*:

APHIS informed DDIV that it would be difficult for APHIS to certify commercial shipments of U.S. seed potatoes for a “0” % tolerance with confidence.

DDIV stated that “0”% tolerance be retained in normative no. 18 for the basic, certified, and registered classes of seed potatoes. DDIV raised the possibility that the limit of tolerance for the certified class might be increased from 0% up to 1.5% when the country is free of mop top virus based on the PRA.

D. Treatment at origin:

DDIV expressed concern about the exposure of their laboratory technicians to pesticides on seed potatoes.

APHIS will provide labels, toxicity and safety data pertaining to the use of the fungicide, manganese ethylene-bisdithiocarbamate.

APHIS and DDIV can collaborate on developing sampling methodologies for minitubers and in-vitro commodities.

DDIV will remove the requirement for the tolerance for *Fusarium spp.*, as this is too broad a category of fungi. DDIV is reviewing the name of *Fusarium* to help enable them to state the most appropriate name. This may influence their review of the tolerance levels.

If a PRA can't be completed within the 180-day period permitted by normative no. 18/2002, if technically justified, this period can be extended by DDIV. Normative no. 34, March 28, 2002, provides the requirements for conducting the PRA.

DDIV proposed that the PRA could be prepared by a collaborating center. DDIV will assume that all data submitted to DDIV by APHIS for PRA purposes has been approved by APHIS.

APHIS requested that DDIV review the pest list for seed potatoes (Port. 137/97) that was submitted to them on March 19, 2002 and tell us which pests are of quarantine concern for Brazil. APHIS will submit the data outlined in sections 5.3 – 5.11 for the pests of quarantine concern to DDIV for analysis in the PRA.

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APHIS clarified that the standards provided in Appendix P pertain to the provision of phytosanitary certification of seed potatoes. Although appendix P provides a description of the grades of seed potatoes, these are provided as a guide to inspectors to help enable them to provide phytosanitary certification pertaining to import requirements specific to each class of seed potatoes. Federal phytosanitary certification does not apply to quality aspects of seed potatoes.

APHIS requested that DDIV consider revising their regulated pest list to remove *Ditylenchus dipsaci*. APHIS delivered a presentation describing the geographical distribution of this pest and its host range. DDIV informed PPQ that all races of *Ditylenchus dipsaci* considered quarantine pest except those present in Brazil attacking gladiolias and allium. APHIS will provide technical justification to DDIV to support this requested modification.

16. Brazil citrus PRA – modifications to market access request

In letter No. 78/2002, April 3, 2002, submitted to APHIS, DDIV requested a revision to their request for a PRA that will evaluate the risk associated with the entry of sour limes from all Brazil regions into the U.S. The original request only included the State of Piaui. DDIV would like to revise their model.

APHIS requested that DDIV provide the pest list for all regions in Brazil, and other information including risk mitigation measures that would help enable APHIS to conduct the PRA.

DDIV requested information about how APHIS determines that PRAs are classified as routine and nonroutine. APHIS will provide the Federal Register Notice that describes the PRA prioritization process.

DDIV informed APHIS that there is a regionalization process for the lime production region, and they would provide data pertaining to these regions.

17. Increase exportation area of Brazilian papaya to U.S. and modifications to the work protocol:

In letter No. 79/2002, April 3, 2002, submitted to APHIS, DDIV requested the following modifications to the current U.S. import regulation for the entry of Brazilian papayas into the U.S.

DDIV submitted a document, Request of Alterations of Parameters established for Current Systems Approach Process Used for the Production of Papaya, submitted by the Brazilian Association of Papaya Exporters.

APHIS informed DDIV that expansion of the area from which papayas could be exported to the U.S. would require a regulatory change. A PRA recently has been conducted by APHIS that evaluated the risk from pests of concern for the U.S. that are associated with the entry of the solo variety of papayas from the State of Espirito Santo into the U.S. The pests of concern are the same throughout Brazil; therefore, only fruit fly trapping data from the expansion areas to establish that the density of fruit flies is low will be required. APHIS requested that the audit information from the expansion regions be provided to APHIS-IS in Brasilia by DDIV to ensure that the mitigation measures are being applied appropriately. The fruit fly trapping data and information from the audit will be used to provide technical justification that can serve as a basis for the regulatory change(s).

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DDIV requested that APHIS modify the regulation prior to the submission of the fruit fly trapping data as their technical justification for expansion of an area. The proposed modification, if approved, would allow Brazil to bring different regions into the export program as each region meets the requirements of the systems approach. APHIS agreed to consider this request.

APHIS will evaluate requests from DDIV to include additional papaya varieties to determine whether the varieties are closely related to the Solo variety. The PRA previously conducted by APHIS is specific to the Solo variety of papaya. Other varieties may have a different refractiveness to fruit flies, and the risk associated with these varieties would need to be evaluated.

APHIS requested that DDIV submit fruit fly trapping data and technical justifications that support their request for the regulatory changes to both APHIS-IS and APHIS-HQ in Riverdale, MD. The geographical areas included in a request must be clearly defined. If the papaya export program is expanded to the entire country, trapping data will be required from the entire country.

18. Modification of Mango Import requirements to alter the level of APHIS oversight in Brazilian preclearance programs:

In letter No. 75, April 2, 2002, DDIV requested that APHIS modify the regulation pertaining to the preclearance import requirements for the entry of fresh Brazil mangoes into the U.S. DDIV proposed that APHIS transfer all inspection responsibilities to DDIV inspectors. DDIV proposed that APHIS responsibilities be limited to auditing the mango preclearance program.

APHIS informed DDIV that APHIS has never adopted a transition strategy to inspection by the exporting country only; therefore, the proposed modification, if adopted, would represent a significant change in policy by APHIS. Modification of APHIS preclearance policy would require an in-depth evaluation. APHIS must consider the impact of a policy change on the effectiveness of our preclearance programs and the potential impact upon our trading partners. In addition, any new risk mitigation measures must be validated prior to adoption.

DDIV informed APHIS of their desire to increase the number of HWT facilities in preclearance programs. APHIS reviewed our requirement that all new packinghouse receive prior review and approval by the Preclearance Advisory Group in APHIS headquarters, Riverdale, MD. DDIV was reminded that plans for new packinghouses, which DDIV is anticipates adding to the papaya export program, must be reviewed by the Preclearance Advisory Group prior to beginning construction.

APHIS requested that DDIV submit a proposal for the requested modification of the mango preclearance program and the technical justification to APHIS for our consideration.

19. Market access for larger sizes of Brazil mangoes – revision to HWT schedule:

In a letter no. 76/2002, April 3, 2003, DDIV requested that APHIS modify the treatment schedule for HWT to increase the upper weight limits for Brazilian mangoes.

APHIS informed DDIV that confirmatory studies are needed to provide the technical justification for making this change to the APHIS treatment manual.

DDIV informed APHIS that they had completed comparative studies that provide conclusive evidence that *Ceratis capitata* are more resistant to HWT than *Anastrepha fraterculus*.

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APHIS requested that DDIV submit their scientific findings to APHIS to provide technical justification to support the requested modification to the HWT schedule.

20. U.S. solid wood packing material pest interceptions:

DDIV informed APHIS that numerous interceptions of *Monochamus spp.* have been made. *Monochamus spp.* is a vector for Pine Wood Sawyer, which is a quarantine pest for Brazil, and they would begin requiring inspections for all shipments.

APHIS informed DDIV that they are considering implementing the International Standard for SWPM for all commodity shipments to Brazil to address this risk.

21. Official communications between our governments pertaining to phytosanitary issues:

APHIS informed DDIV that Alan Green, Assistant Deputy Administrator, Phytosanitary Issues Management staff in Riverdale, MD, should be notified of pest interceptions, and he is the point of contact for other official communications pertaining to the resolution of phytosanitary issues.

DDIV informed APHIS that their regulations require that official communications must be transmitted through official channels in the U.S. Embassy.

APHIS informed DDIV that informal or oral requests for regulatory changes or market access are not sufficient to initiate action by the U.S. NPPO. All requests for official action by APHIS from DDIV must be made through written correspondence or at bilateral meetings to provide an administrative record for our Agency. DDIV does the same.

APHIS informed DDIV that official communications through our Embassies frequently have been delayed or misdirected. As a result, APHIS is less able to respond to phytosanitary issues and concerns of Brazil and the U.S. in a timely fashion. APHIS reviewed our request that was submitted to DDIV in our letter of May 29, 2001 that official correspondence pertaining to technical phytosanitary issues should be addressed to Mr. Alan Green. APHIS understands that official communications must be submitted to Mr. Alan Green through official channels; however, it will increase our ability to respond if DDIV also sends copies of official correspondence to Mr. Alan Green by e-mail or fax. The point of contact in DDIV for similar issues is Mr. Odilson Ribeiro e Silva.

22. Areas of potential collaboration between DDIV and APHIS:

Dr. Alan Dowdy will be the APHIS contact and Mr. Odilson Ribeiro e Silva will be the DDIV contact for development of specific collaborative research projects.

Contacts for specific areas of mutual interest are designated below:

- Quarantine treatment development – i.e. irradiation, hot water treatment and cold treatment with pest species that are not present in the U.S. – Dr. Alan Dowdy and Mr. Odilson Ribeiro e Silvas
- Diagnosis – Dr. Maria Mazzarello Boquadi and Dr. David Kaplan
- Biocontrol – Dr. Regina Vilarinho de Oliveria and Dr. David Kaplan

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- Pests lists, pest data sheets, emerging pest alerts – Dr. Rogerio Pereira Dias and Dr. Woodward Bailey
- PRA methodology and collaboration on 3rd country PRAs- Dr. Rogerio Pereira Dias and Dr. Dan Fieselmann
- Economic Impact of regulated pests – Mr.Chris Klocek and Mr. Odilson Ribeiro e Silva